

No. 15,053.

WASHINGTON, D. C., MONDAY, MAY 27, 1901-SIXTEEN PAGES.

TWO CENTS.

INSULAR CASES

-Important Supreme superior efficacy is given to either over the other. When the two relate to the same subject the courts will always endeavor to Court Decisions.

PORTO RICO NOTFOREIGN

But It is an Unorganized Territory.

FORAKER ACT CONSTITUTIONAL

Porto Rico Not Within United States for Tariff Purposes.

FULL POWER OF CONGRESS

States Supreme Court in the insular cases were handed down today by Justice Brown. tended to apply to territory subsequently acquired. He seemed to differ in this conwere handed down today by Justice Brown. The first opinion was based upon the DeLima case, involving the right of the United Struction from Chief Justice Marshall in the American Insurance Company against Canter, who, in speaking of Florida before States to collect duties on sugars imported in the United States from Porto Rico in the summer of 1899 after the ratification of the Paris treaty and before the passage of the Constitution. of the Paris treaty and before the passage of the Porto Rican act.

The opinion was clearly antagonistic to the government's contention, the court holding that duties could only be legitito acquire territory involved the right to acquire territory involved the right to govern and dispose of !t. That was der be issued against the American News mately collected on the theory that Porto
Rico was foreign territory, and the opinion
beld that it was not such foreign territory.

Stated by Chief Justice Taney in the Dred
Scott case. In the more recent case of
National Bank against County of Yankton held that it was not such foreign territory. McKenna delivered a dissenting opinion.

The intense public interest in the deterritories what the people under the Constitution of the United States may do for the states.' Indeed, it is scarcely too much to say that there has not been a session of Congress since the territory of Louislana was purchased that that body has not enacted legislation based upon the assumed authority to govern and control the territories. arrived a few minutes before the court tories.

convened and was joined by Senator Lodge. "It is an authority which arises not necesconvened and was joined by Senator Lodge.
Within the area reserved for members of Constitution, but from the necessities of the Constitution, but from the inability of the the bar sat the officers of the government the case and from the inability of the states to act upon the subject. Under this torney General Knox, Solicitor General power Congress may deal with territory Department, also many of the prominent of Columbia; it may organize a local terrilawyers appearing for the several con- torial government; it may admit it as a testants.

Representative Grosvenor of Ohio and taken a prominent part in the insular discussions in Congress, were early arrivals and secured a point of vantage to the right of the justices. Senator Chandler, Representative Richardson of Tennessee and ex-Representative Bynum of Indiana were in the crowd on the left. The wives of several of the justices occupied an area usually closed, reserved for the Judicial families, and this was an assurance before the court convened that the important decisions

would be forthcoming. Exactly at 12 o'clock the black-robed jus-tices filed to their places, a full bench within the customs union of the states.

"The early opinions an"The first theory is obviously untenable. nounced did not relate to the insular cases

and the crowds waited eagerly. The Special Case.

The decision hung upon the case coming from the state of New York involving the levying of duties on goods coming from Porto Rico into the United States, the collection of such a tax having been upheld in the lower court. The decision was, in effect, that territory acquired by the United States is a part of the United States, and is not foreign territory, and that such an import duty could not be levied. The decision of the lower court was reversed, and the case remanded, with instructions to reverse their decision in accordance with this opinion.

This decision was rendered in the case of De Lima, plaintiff in error, against George R. Bidwell, the case coming from the circult court of the United States for the district of New York. The conclusions of the court in this case were summed up in the following language: "From this resume of the decisions of

this court the instructions of the execu- | Certainly tive department and the above act of Congress, it is evident that from 1803, the date of Mr. Gallatin's letter, to the present time there is not a shred of authority except the dictum in Fleming vs. Page, for holding that a district ceded to and in the possesthat a district ceded to and in the possession of the United States remains for any purpose a foreign country. Both these connationality for revenue purposes. Posses- pass a special act providing the proper ma sion is not alone sufficient, as was held in Fleming vs. Page, nor is a treaty ceding such territory sufficient without a surrender of possession. The practice of the executive department thus continued for more than half a century is entitled to great weight and should not be disregarded nor everturned except for cogent reason, and unless it be clear that such construction be erroneous.

"But were this presented as an original question we should be impelled irresistibly

to the same conclusion.

Power of a Treaty. "By article 2, section 2, of the Constitu tion, the President is given power, by and with the advice and consent of the Senate to make treaties, provided that two-thirds of the senators present concur; and by article 6, this Constitution and the By-laws of the United States which shall be made in pursuance thereof; and all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land. It will be observed that no distinction is made as to the question of supremacy between laws and treaties, except that both are controlled by the Constitution. A law requires the assent of both houses of Congress, and except in certain specified cases the signature of the President. A treaty is negotiated and made by the President, with the concurrence of two-thirds of the senators present, but each of them is the supreme law of the

"As was said by Chief Justice Marshall in the case of the Peggy: Where a treaty is the law of the land and as such affects the rights of parties litigating in courts treaty as much binds those rights and is as much to be regarded by the court as an act of Congress. And in Foster agt. Neilson, he repeated this in substance: 'Our Constitution declares a treaty to be

he law of the land. It is, consequently, to the law of the land. It is, consequently, to be regarded in courts of justice as equivalent to an act of the legislature wherever it operates of itself without the aid of any legislative provision. So in Whitney agt. Robertson: 'By the Constitution a treaty is placed on the same footing and made of right obligation with an act of legislation. Both are declared by that instrument to be the supreme law of the land, and no superior efficacy is given to either over the subject the courts will always endeavor to construe them so as to give effect to both, if that can be done without violating the language of either; but if the two are inconsistent the one last in date will control the other, provided always that the stipulation of the treaty on the subject is self-executing.

"To the same effect are the Cherokee Tobacco and the Head-Money cases,
"One of the ordinary incidents of a treaty is the cession of territory. It is not too much to say it is the rule rather than the exception that a treaty of peace following upon a war provides for a cession of territory to the victorious party. It was said by Chief Justice Marshall in American Insurance Co. agt. Canter: 'The Constitution confers absolutely upon the government of the Union the powers of making war and of making treaties, consequently that government possesses the power of acquiring territory, either by conquest or by treaty.' The territory, thus acquired is acquired as absolutely as if the annexation were made, as in the case of Texas and Hawaii, by an act of Congress.

U. S. Territory, but Not Organized. "It follows from this that by the ratification of the treaty of Paris the island became territory of the United States-although not an organized territory in the

technical sense of the word. "It is true Mr. Chief Justice Taney held in Scott against Sandford that the terri-torial clause of the Constitution was con-fined and intended to be confined to the territory which at that time belonged to or was claimed by the United States, and was The long expected decisions of the United within their boundaries as settled by the treaty with Great Britain, and was not in-

"But whatever be the source of this power, its uninterrupted exercise by Congress for a century and the repeated declarations of this court settled the law that the right The court room was crowded to the utmost and intense interest was manifested. Justice McKenna delivered a dissenting opinion.

Actional Bank against County of Yankton it was said by Mr. Chief Justice Waite that Congress 'has full and complete legislative authority over the people of the territories and all the departments of the territorial government. It may do for the territories what the people under the Con-

acquired by treaty; may administer it state upon an equality with other states; it may sell its public land to individual cit-Representative Grosvenor of Ohio and izens, or may designate them as home-steads to actual settlers. In short, when once acquired by treaty it belongs to the United States and is subject to the dis-

position of Congress. Not Foreign Territory Under Tariff

Laws. "Territory thus acquired can remain a foreign country under the tariff laws only upon one of two theories; either that the word 'foreign' applies to such countries as were foreign at the time the statute was enacted, notwithstanding any subsequent change in their condition, or that they re-main foreign under the tariff laws until

While a statute is presumed to speak from the time of its enactment it embraces all such persons or things as subsequently fall within its scope and ceases to apply to such as hereafter fall without its scope. Thus a statute forbidding the sale of liquor to minors applies not only to minors in existence at the time the statute was enacted, but to all who are subsequently born, and ceases to apply to such as thereafter reach their majority. So when the Constitution of the United States declares in article 1, section 10, that the states shall not do certain things, this declaration operates not only upon the thirteen states, but upon all which subsequently become such; and when Congress places certain restrictions upon the powers of a territorial

legislature such restrictions cease to operate the moment that territory is admitted as a state. "By parity of reasoning a country ceases to be foreign the instant it becomes do-mestic. So, too, if Congress sees fit to cede one of its newly acquired territories (even assuming that it has the right to do so) to a foreign power, there can be no doubt that from the day of such cession and the delivery of possession such terri-tory would become a foreign country and be reinstated as such under the tariff laws. Certainly no act of Congress would be

necessary in this case to declare that the laws of the United States had ceased to apply to it. "The theory that a country remains fora country may be domestic for one purpose and foreign for another. It may undoubtedly become necessary for the adequate sitions must exist to produce a change of administration of a domestic territory to

chinery and officers (as the President would have no authority, except under the war power, to administer it himself, but no act is necessary to make a domestic territory if once it has been ceded to the United "We express no opinion as to whether Congress is bound to appropriate the money to pay for it. This has been much discussed by writers on constitutional law, but it is

not necessary to consider it in this case, as ongress made prompt appropriation of the money stipulated in the treaty. This theory also presupposes that territory may be held indefinitely by the United States; that it indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can thing may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign country

"That this state of things may continue for years, for a century even, but until Con-gress enacts otherwise, it still remains a foreign country. To hold that this can be done as matter of law we deem to be pure judicial legislation. We find no warrant for it in the Constitution or in the powers conferred upon this court. It is true the nonaction of Congress may occasion a tempo-rary inconvenience; but it does not follow that courts of justice are authorized to remedy it by inverting the ordinary meaning of words.

Discussion of Congressional Legislation.

"If an act of Congress be necessary to convert a foreign country into domestic territory the question at once suggests itself, what is the character of the legislation demanded for this purpose, will not appropriating money for its purchase be sufficient?

Apparently not.
"Will an act appropriating the duties col-(Continued on Second Page.)

CADETS GIVEN A HEARING.

Senators Hawley and Cockrell Appeal

in Their Behalf. The five cadets who were recently dismissed from the West Point Military Academy for alleged insubordination called at the War Department this morning and sought an audience with Secretary Root. Their names are Henry L. Bowlty of Nebraska, John A. Cleveland of Alabama Traugett F. Keller of New York, Raymond A. Linton of Michigan and Birchle O. Mahaffey of Texas. They came alone, but were joined soon after by Senator Cockrell of Misseuri and Senator Hawley of Connecticut, each of whom saw Secretary Root separately and urged that the boys be given a hearing. Senator Cockrell is especially interested in the case of young Cleveland, who is a son of an officer who served in Senator Cockrell's brigade during the war

of the rebeilion.
Senator Hawley told the Secretary of War that his only interest in the cadets arose from a desire to have them treated with kindness, and given an opportunity to state their side of the case. One of the cadets, speaking for all of them, had an interview with Senator Hawley, and after hearing the statement the senator thought they were entitled to a hearing before the Secretary of War. Further than making a request for the hearing, Senator Hawley has no connection with the matter. Secretary Root said that he would see the

cadets at 2:30 o'clock this afternoon, but simply for the purpose of hearing what they had to say in their own behalf, and with no idea of reversing the action already taken by the department, which resulted in their discharge from the Military Acad-

The dismissed cadets claim that they have been tried and condemned without a hearing, and without knowing the testimony against them, or having an opportunity to reply to it. The law officers of the department who have investigated the matter say that there is no way in which dismissed cadets can be restored to the academy, save by reappointment through the representa-tive of the district to which each is accredited, which must have the approval of the academic board at West Point.

BARRED FROM THE MAILS.

Fraud Order Issued Against a News

Clipping Company. George A. C. Christiancy, acting assistant attorney general for the Post Office Clipping Company of Chicago. The recommendation has been approved and the order has been issued.

It is charged that the company named advertised that \$8 a hundred would be paid for newspaper clippings. Persons who wrote to the company were informed that the necessary outfit would cost \$2.75. Upon receipt of this sum an outfit of small value would be sent and the correspondent would be advised that \$8 a hundred would be paid for press clippings relating to spinal curvature and locomotor ataxia. There was also sent a schedule of prices which would be paid for clippings upon rare sub-

The company was cited to appear before the attorney general for the Post Office Department and show cause why a fraud order should not be issued, but owing, it is said, to the disappearance of the "comnotice to show cause could not be served.

THE NEW BATTLE SHIP MAINE.

Neither the Sponsor Nor Date of Launching Has Been Selected. It is stated at the Navy Department that

no definite information has been received there regarding the time of the launching of the battle ship Maine or the selection of the sponsor for the ship on that occasion. The published statement that the vessel would be launched on Memorial day is evidently premature and unauthoried. No official information on that point has yet been received at the Navy Department. Captain Sigsbee, chief of the naval intelligence office, has made a statement in regard to the selection of the Maine's sponsor, in which he says:

"It has been the invariable custom for the battle ships built for the United States to be christened by some maiden selected after the firm building the ship had consulted with the governor of the state for which it was to be named. I am sure that this procedure will be followed in the case of the

new Maine. "I desire most sincerely to make it plain that no member of my family has sought this honor either directly or indirectly. We recognize that, being natives of New York state, we have no claim on the governor of

Maine. Although there is no definite information on that point, there is an impression that

the governor will designate Miss Caroline Frye Briggs, granddaughter of the senior senator from Maine, to christen the battle ship.

TROOPS LEAVE TAKU TODAY. The Sumner and Lenox Sail for the Philippines.

The adjutant general received a cable message this morning from Gen. Chaffee at Taku, China, saying that the transports Sumner and Lenox would sail today for the Philippines with all the American troops at that point. The Sumner is a troopship and the Lenox an animal ship. It is not understood here how these two vessels can take the entire army of Gen. Chaffee, including horses and equipment. Four vessels in all were assigned to this service, including the troopship Indiana and the freight ship Az-Smallpox recently broke out on the Indiana and has evidently prevented her use in the transportation of the China troops.

Army Orders.

Capt. James B. Houston, paymaster, U. S. A., and Second Lieut. Herman W. Schull, Artillery Corps, U. S. A., have been ordered to examination for promotion.

First Lieut. George L. Byroade, 1st Infantry, now on sick leave, on the expiration of his leave has been ordered to Plattsburg barracks, New York, for duty with the

27th Infantry. First Lieut. Charles H. Bridges, 22d Infantry, now at St. Louis on leave of absence, upon the expiration of said leave will proceed to Fort Logan, Col., for the purpose of accompanying headquarters band and detachment of recruits of the 30th Infantry from that post to the Philippines. First Lieut. Pearl M. Shaffer, 13th Infantry, upon expiration of his present leave will proceed to Fort Douglass, Utah, for

Capt. Samuel B. Bootes, commissary, U. S. A., has been relieved formulassary, U. S. A., has been relieved from duty in the Philippines and ordered to San Francisco to await instructions from the commissary general of the army.
First Lieut. Louis H. Orleman, at his own request, has been relieved by the Secretary of War from duty at the Peekskill Military

duty.

Academy, N. Y., taking effect today. To Be Retired as Rear Admirals. On their own application, Capts, Cipriano Andrade, George E. Ide, Oscar W. Farenholt and Robert E. Impey of the navy will shortly be placed on the retired list as rear admirals under the provisions of the personnel law authorizing such action in the cases of officers who served during the war of the rebellion.

Volunteers Sail for Home, Gen. MacArthur informed the adjutant general that the transport Kintuck left Manila yesterday for Portland with two officers and fifty-four enlisted men of Company B, 42d Volunteer Infantry.

Presbyterian General Assembly Adopts Majority Report Today

AFTER SLIGHT AMENDMENTS

The Final Vote on Question Was Almost Unanimous.

OTHER WORK OF TODAY

PHILADELPHIA, May 27.-When the Presbyterian general assembly met today there appeared to be a disposition on the part of the commissioners to bring the debate on creed revision to an end as soon as possible. The majority of the delegates are impatient to settle the question, so far as this assembly is concerned. There is still considerable other business of importance to be transacted, and some of the subjects are expected to arouse much discussion.

Among these are the establishment of ar ecclesiastical supreme court, the oversight and direction of the collecting and distributing of benevolent offerings, the plan of vacancy and supply for unemployed ministers and churches without pastors and a plan of oversight of the young people's societies.

Before proceeding to the further consideration of the question of revision the assembly adopted the report of the committee on the next place of meeting, which select-ed the Fifth Avenue Presbyterian Church, New York, as the meeting place of the gen-eral assembly of 1902. An amendment was offered substituting Los Angeles for New York, but Dr. Roberts, stated clerk, an-nounced that the condition of the assemhounced that the condition of the assembly's funds would not warrant such a selection, and the amendment was lost. Invitations were also received from Denver, Milwaukee and Saratoga Springs.

The committee recommended to the next assembly the selection of Los Angeles for the assembly of 1903.

the assembly of 1903.

Moderator Advises Against Haste. When the order of the day-the revision of the confession of faith—was reached, the moderator made a few remarks advising against any hasty action today. He said there was a tendency to rush the matter so that the assembly could adjourn, and he hoped the commissioners would not get into a panicky condition and do something which they might regret. He suggested, however, that all speeches be limited, and a motion to limit them to ten minutes was unani-

mously carried.

James D. Moffatt, D.D., president of Washington and Jefferson University, who on Saturday gave notice that he would offer an amendment to the majority report, was then recognized by the moderator.

Dr. Moffatt explained that he was moved

to offer the amendment to recommenda-tion B because of the small majority which on Saturday voted to retain the report. Objection had been made, he said o the original recommendation because o ambiguity in certain portions and his obect in amendment was to render the vote of the assembly unanimous on whatever action might be taken.
"I hoped to amend recommendation B,"

continued Dr. Moffatt, "to meet all jections and to give it new wording. Many good men who opposed the original form were alarmed by the word 'summary.' I have made a simple change, striking out the word 'summary' and substituting 'statement,' which expresses just what we have in view. Again, there is nothing in the original report as to what shall be done with the summary. I wish to remove all ambiguity and have it stated plainly that the committee to be appointed will be required to report to the next assembly and that a recommendation made to the next assembly to submit the entire subject to the presbyteries.'

Text of the Amendment. Dr. Moffatt's amendment is as follows: "We recommend that this committee be instructed to prepare and to submit to the next general assembly for such disposition as may be judged to be wise, a brief statement of the reformed faith, expressed, as far as possible, in untechnical terms. The said statement is to be prepared with a view to its being employed to give information and a better understanding of our doctrinal beliefs, and not with a view to its becoming a substitute for or an alternative of our confession of faith."

Dr. Niccols of St. Louis, a leader of the minority party, in a brief speech, heartily seconded the amendment, which action drew forth considerable applause. Other seconding speeches were made by Dr. Her-rick Johnson of Chicago; Former Moderator Charles A. Dickey, Philadelphia; Dr. Wm. McKibbin, Cincinnati; Dr. George D. Baker, Philadelphia; Dr. Wm. C. Roberts, Transylvania, Ky.; Dr. W. H. W. Boyle, Pueblo, Col.; Dr. D. J. Saunders, president of Biddle University, Charlotte, N. C.; Dr. David A. Cunningham, Washington, Pa., and Dr. David S. Kennedy, Allegheny, Pa. As each of the above commissioners, who represented all shades of opinion in the assembly, rose to speak for the amendment a wave of applause swept over the vast assemblage. The amendment was adopted by a viva

voce vote, not one voice being raised in opposition to it.

Amended Majority Report Adopted. The question was then on the adoption of the majority report, and Dr. Johnson moved that the three recommendations contained in the report be taken up seriatim, and the motion was carried.

Recommendation A, which calls for the appointment of a revision committee, was adopted with only a few voices against it. Recommendation B, as amended, went through without a sign of opposition. Recommendation C, on motion of Dr. Baker of Philadelphia, was amended so that the amendments to be prepared by the committee for several chapters of the con-fession of faith shall be made "either by modification of the text or by declaratory statement, but so far as possible by declaratory statement." This recommendation was also adopted with but little opposition. The question then recurred to the adoption of the report as a whole. The mod-erator put the question, and then there was one great roar of "Aye." Instantly the assembly rose en masse and sang the Doxology. The moderator then led in prayer. The end to the great discussion which had continued into the fourth day came so quickly that it took every one by surprise. Dr. Moffatt, who introduced the harmonizing amendment to recommendation.

surrounded by a crowd, which congratu-lated him on his success in bringing the matter to such a satisfactory issue.

After the assembly had again settled down Dr. Baker offered a resolution that down Dr. Baker offered a resolution that the present revision committee be continued, that the committee be increased to thet, that the committee be increased to twenty-one, that Moderator Minton be a member thereof and that he appoint the additional members. This was also adopted. On motion of Dr. Dickey the assembly decided to continue as secretary of the revision committee Dr. W. H. Roberts of Philadelphia, who is also the stated clerk of the assembly.

Text of the Recommendations. The recommendations as amended and finally adopted by the general assembly and which will be the guiding star for the revision committee in its work of revising the confession of faith are as follows:

"A. We recommend that a committee as provided for by the form of government, of the

WILL REVISE CREED chapter XXIII, section 3, be appointed by this assembly.

"C. We further recommend that this com-

mittee be instructed to prepare amend-ments of chapter III, chapter X, section 3: chapter XVI, section 7: chapter XXII, section 3, and chapter XXV, section 6, of our confession of faith, either by modification of the text or by declaratory statecation of the text or by declaratory statement, but so far as possible by declaratory statement, so as more clearly to express the mind of the church, with additional statements concerning the love of God for all men, missions and the Holy Spirit.

"It being understood that the revision shall in no way impair the integrity of the system of doctrine set forth in our confession and taught in the holy Scripture."

The assembly proceeded to the consideration of the report of the special commit-

tion of the report of the special commit-tees. The report recommends the establishment of a court of last resort, to be styled the "permanent judicial commission of the general assembly for the hearing a determination of judicial cases." Under the axisting systems existing system a special committee is ap-pointed by the general assemily to try pointed by the general assembly to try each case sent up from the synods of pres-byteries. The intention is to abolish this plan by establishing an ecclesiastical su-preme court to which all cases must be referred and from the decision of which there shall be no appeal.

there shall be no appeal. NEW B. AND O. OFFICIALS. Several Changes to Take Place the

Coming Week. Special Dispatch to The Evening Star. BALTIMORE, Md., May 27.-Mr. L. F.

Loree, now fourth vice president of the Pennsylvania lines west of Pittsburg, will become president of the Baltimore and Ohio railroad and assume the duties of his new office Saturday next. At the same time Mr. G. L. Potter, now

general manager of the Pennsylvania lines west of Pittsburg, will become general manager of the Baltimore and Ohio, vice Mr. F. D. Underwood, resigned.

The resignation of Mr. John K. Cowan as president of the Baltimore and Ohio railroad will be tendered at the meeting of the board of directors to be held in New York on Wednesday. Mr. Cowan, it is stated, will become general counsel to the Pennsylvania railroad.

Mr. Oscar G. Murray will remain as first vice president of the road, and it is not expected that the position of second vice president will be filled at the meeting of the board this week.

Mr. Daniel Williard, now acting general manager of the Baltimore and Ohio, will leave the service of the company on Friday and go to the Erie as assistant to President Underwood. These changes confirm the statement made last March that the Pennsylvania railroad had acquired a controlling interest in the Baltimere and Ohio, and would in the future control its destiny and dictate its policy.

It is rumored that Mr. William Salomon's

resignation as chairman of the board of directors of the Baltimore and Ohio will be tendered at the meeting Wednesday, but It is thought that his successor will not be chosen until Mr. James McRae, president of the Pennsylvania lines west of Pittsburg, who is now in Europe, returns to this country, probably next month.

Mr. John K. Cowan is now in New York and will in all probability be present at the directors' meeting on Wednesday. The the directors' meeting on Wednesday. The new president, Mr. Loree, will attend the meeting of the board of directors, and is expected to reach this city on Friday even-

The Pennsylvania and Baltimore and Ohlo properties are to be kept separate but they will work in harmony for the maintenance of rates from and to the west.

CHARGED WITH CENSUS FRAUDS. Arrest of F. H. Bornemann and W. F. Anderson.

Special Dispatch to The Evening Star.

BALTIMORE, Md., May 27.-United States Marshal Airey today arrested F. H. Bornemann and William F. Anderson, who have been presented by the federal grand jury for padding census rolls of Anne Arundel country, Maryland, last year. Both men were enumerators in that county. The indicted enumerators from St. Mary's county are being tried today in the federal district court. Through their counsel they demurred to the indictment, but their demurrer was overruled at once and the trial proceeded with. It is expected that Charles H. Guyther, who pleaded guilty on Saturday, will be used as a witness against the other enumerators.

Representative Sidney E. Mudd was pres-

VICTIMS OF GALE ON LAKES.

ent in court today as a witness in the case

of the accused census enumerators.

Capt. Oertling and Six Men Go Down With Vessel.

CHICAGO, May 27 .- A special to the Tribune from Milwaukee says: Seven more victims have been added to the list of those perishing in last Friday's gale. This fact became known today, when a water-logged, dismantled hulk, all that remains of a schooner, was sighted ten miles off shore between Sheboygan and military escort awaited their landing. Milwaukee by an incoming steamer. Beyond doubt it is the three-masted schooner C. H. Hackley of this city, which met the storm while on its way to Sheboygan. The Hackley, which was manned by Capt. Oertling and a crew of six men, was due at Sheboygan the night of Friday. Its failure to reach the port and stories of floating wreckage had aroused the fear that the vessel was lost, but no confirmation of the disaster was obtained until to-

That Capt. Oertling and his six seamen escaped is believed impossible, as had they reached shore they would have been heard from long ago, and if adrift on wreckage they could not have survived the wild storm of Friday. No schooner except the Hackley is miss-

ing, all that were out during the gale having reported since the wind subsided. A tug will be sent out to locate the derelict, and, if possible, recover the schooner and the cargo.

PASTOR DEFENDS THE CANTEEN.

Rev. S. B. Dexter Declares It Promoted Temperance. CHICAGO, May 27 .-- The Rev. S. B. Dexter defended the army canteen last night

at the Humboldt Park Baptist Church.

While disclaiming any intention or desire

to champion intemperance in any form, he strenuously opposed the extremists who demanded that Congress pass a law to compel temperance in the army. Dr. Dexter's address was listened to by a large audience, many outside of his regular congregation coming to hear his views. He

visited Fort Sheridan recently for the purpose of investigating the effect of the repeal of the canteen law, and that he differed materially from Dr. Parkhurst and others was a reason for the interest shown in his remarks. The minister informed the reporter after his address that in view of the refusal of on the canteen question at their last meet

ing he had sent in his resignation to that body. The resignation will be read at the ministers' meeting today.
"I made my report favoring the restoration of the canteen in good faith and for the good of temperance," he said. "It was ignored, and I see no other course than to sever my connection with the association.

Steamship Arrivals.

At New York-Zeeland, from Antwerp;

Marquette, from London; Sicilia, from Genoa and Naples. Silver Service for the Iowa. SAN FRANCISCO, May 27.-The battle ship Wisconsin was formally presented to-

day with a silver banquet service, the gift

MRS. McKINLEY RESTED WELL.

Presidential Train Speeding Through Wyoming on Way Home. MEDICINE BOW, Wyo., May 27.-The presidential special made schedule time through Utah and Wyoming last night. Mrs. McKinley rested well and Dr. Rixey reported that she passed a comfortable night. The President, as usual, was the first member of the official party to rise.

At Rawlins, a little mining town, where the train stopped for water about 7 o'clock he shook hands with a number of people. LARAMIE, Wyo.. May 27.—The presidential special reached Laramie at 10:10 a.m. It is due at Omaha at 5 o'clock tomorrow

Advices From the President's Party. A dispatch received at the White House this morning stated that the President and party were then traveling in Wyoming. coming east over the Union Pacific railroad. The train was scheduled to reach Cheyenne, Wyo., at 11 o'clock in the morning, and North Platte, Neb., at 7 o'clock tonight. A good rate of speed was being maintained, and few stops were being made. At the rate the presidential train is traveling the party will reach Washington Wednesday night or Thursday morning. The train is the same as went out of Washington four weeks ago today. There have been rains through Nebraska, Iowa, Illinois and the other states through which the train will travel, and the laying of

dust will make the journey unusually pleasant. The following dispatch was received at the White House yesterday afternoon from Secretary Cortelyou, aboard the President's

"WELLS, Nevada. "Dr. Rixey reports that Mrs. McKinley had a very comfortable night. She is standing the trip very well."

VOLUNTEERS COMING HOME. All Will Be Out of Philippines by

July. MANILA, May 27.-It is reasonably cer-MANILA, May 27.—It is reasonably certain that the remaining volunteers will sail for home before July. The 47th Regiment and battalions of the 49th and 38th will and battalions of the 49th and 38th will sail on the transport Thomas May 28. The Ohio sails May 29 with the 42d Regiment, and the Kilpatrick and Logan June 1 with the 43d and 44th Regiments and two battalions of the 38th. The Grant sails from Aparri June 1 with the 48th Regiment and two battalions of the 49th.

TO LIMIT CHINESE INDEMNITY. Powers Will Agree to Great Britain's Proposition.

PEKIN, May 27 .- It seems probable that Great Britain's proposition limiting the indemnity to be demanded from China to 450,000,000 taels will be agreed to by the end of the week. United States Special Commissioner Rockhill thinks this may be considered an American victory. Though his proposition limiting indemnity to 310,-000,000 taels was not accepted, still it was the cause of the other powers considering the idea. The only point likely to cause further delay is a decision by all the powers except America regarding the raising of the foreign customs 5 per cent.
Mr. Rockhill told the minist

cent meeting that rather than take this meeting of the committee on July 1, to step America would relinquish all claims plan the campaign. to indemnity and even make a money present to China, as American commercial terests would suffer far more thereby than those of any other power, with possibly one

exception. RUSSIAN PAPER SUPPRESSED.

Publication of Novoe Vremya Pro hibited for a Week. ST. PETERSBURG, May 27 .- The prohibition of the publication of the Novoe Vremya for a week because of its editorial article on the labor troubles is creating

an immense sensation as indicating ex-

traordinary nervousness on the part of the government. The Novoe Vremya is second only to the Moscow Viadomosti in conservatism and is usually allowed greater latitude than are the other papers. The editorial in question is mild as compared with many governmental publications on the labor situation in more quiet times. It merely said the operatives were poorly paid for excessively hard work and were beginning to be influenced by western ilterature, and suggested that the government carry on

the work begun for emancipation and enforce social reforms. Duke of York at Sydney, N. S. W. SYDNEY, N. S. W., May 27.-The British steamer Ophir, having on board the Duke and Duchess of Cornwall and York, arrived here at 11 o'clock this morning. The duke and duchess landed at 2 o'clock and were greeted by enthusiastic crowds. The decorations were magnificent, and a brilliant

YACHT RACES SEPTEMBER 21. Date Definitely Settled by Royal Ulster Yacht Club.

NEW YORK, May 27 .- The Royal Ulster Yacht Club has cabled the New York Yacht Club an approval of September 21 as the day for the opening contest in the cup races, and that date is finally and definitely fixed. The cablegram received yesterday by Secretary Oddie reads as follows:

"Secretary New York Y. C., New York:-Date now definitely fixed first race Septem-(Signed) "SHARMAN CRAWFORD. "Vice Commodore."

At a meeting of the challenge committee to be held at 11 o'clock tomorrow it is ex-pected that the final action as to Thomas Lawson's yacht Independence will be taken

FRISCO MOLDERS MAY STRIKE. Secret Meeting Takes Action Regarding Non-Union Made Patterns. SAN FRANCISCO, May 27,-Trades union

men employed their Sunday in secret meet-

Iron Molders' Union, No. 164, passed resolution that its members return to their respective shops today, but work only from patterns made by union patternmakers and on such castings only which are to be finished by union machinists. Since all union patternmakers and machinists are on strike and every new pattern from which casting is to be made will be suspected of being the work of a non-union patternmaker and will have to be finished by non union machinists, the molders will refuse to handle the castings. This is likely to ead to a strike of the molders, though the order for them to strike has not come from the International Association

FIRE ON LAKE STEAMER.

Partial Panie Among Passengers-

Flames Promptly Subdued. MENOMINEE, Mich., May 27.-Fire broke out in the boiler room of the passenger steamer Fannie C. Hart while she was coming here from Escanaba with 200 passengers yesterday. The appearance of the flames was the signal for great excitement among the passengers, and in attempting to fight the flames the crew had them to keep under control also. The call to quarters was promptly answered, and in a short time the fire was put out. The damage will be small.

Naval Vessels at Cavite. The hospital ship Solace and the gun-

M'LAURIN CONFIDENT

CHEAP PUBLICITY.

New rate for advertising

"Rooms for Rent," "Rooms

and Board," "Boarding," "Wanted-Help," "Wanted -Situations," went into effect May 1. See 4th page.

Predicts That Tillman Will Fail of Re-election.

HIS SATISFACTION WITH OUTLOOK

Comment on the Resignation of the Two Senators.

VARYING VIEWS EXPRESSED

Senator McLaurin arrived in Washington last night. Speaking with friends with reference to the resignation of himself and Senator Tillman, he expressed the confident belief that Tillman would be destroyed. On the suggestion being made that the people of South Carolina might resent their resignations by sending two new men in their places, he is quoted as saying that he would not regret his own retirement from the Senate if by the sacrifice of the two years remaining of his term he could finally dispose of Tillman. His general expression was one of great confidence and satisfaction in the

The announcement of the resignation of Senators Tillman and McLaurin has excited much interest in Washington. Views on the subject are varied, but the most common opinion appears to be that the action was not well considered on either side, though it might be that Tillman calculated that he would have McLaurin at a disadvantage by hastening the issue be-Ing cause it will be better for Tillman to have the issue settled as early as possible. A contingency very generally taken into consideration is the failure of either man to be returned to the Senate. In some quarters the opinion is expressed very decidedly that a number of candidates will appear in the field and that the people of the state being tired of personal conten-tions, will decide to allow both men to re-

GOV. MeSWEENEY A CANDIDATE. Wants to Be United States Senator-

McLaurin and Tillman Resign. CHATTANOOGA, Tenn., May 27 .- Gov. McSweeney of South Carolina, who is attending the dedication services of the South Carolina monument at Chickamauga, stated that he probably will be a candidate for the United States Senate In the coming primaries, although he had no

definite announcement to make today. Col. Wiley Jones, chairman of the state democratic committee, who is in command of the regiment of militia with the party, and who announced his candidacy for the day, today issued Senate ye

Senator Benjamin R. Tillman, whose term expires March 4, 1997, and Senator John L. McLaurin, whose term expires March 4, 1903, have resigned from the United States Senate.

This was the culminating episode of a joint debate at Gaffney, S. C., Saturday. There Senator McLaurin argued his democracy and his rights to think and act for the good of his people as he saw it, and Senator Tillman appeared to warn the people that his colleague was a traitor, a republican and unworthy of confidence.

There was in reality very little argument. McLaurin had the opening and the reply, He was moderate in his first speech, but

after Senator Tillman came on and handled his "pitchfork" in his characteristic style, McLaurin met the onslaught in similar style.
Tillman declared that McLaurin had stolen the Rev. Dr. Van Dyke's sermon. McLaurin declared that, if half the charges were true, Tillman had stolen a good deal in South Carolina that was far from a sermon. Tillman was a bully and a blusterer, but he could handle him, he said, very easily. Tillman had said in his speech that if the people elected McLaurin he would take it as notice that they did not wish him. If McLaurin was a democrat, he (Tiliman) was not. The junior senator in reply taunted Tiliman with not having offered to resign if he was elected.
"Benjamin, the Tillmanite," he said. "will

never be found resigning from anything, At this Tillman sprang up and declared he would resign on the spot if McLaurin would do so.
"That suits me," said McLaurin. "Draw up the papers and I will sign now. After warm correspondence, resignations were signed to take effect November 15 next, Senator McLaurin being unable to stand a summer campaign. This leaves the

War Department Changes. Changes have been made in the War De-

two offices open to all candidates without

partment as follows: Office of the Secretary: Promotions-Sydney E. Smith of District of Columbia, from clerk, \$1,800, to disbursing clerk, at \$2,000: David E. Sharretts of Pennsylvania, from \$1,600 to \$1,800; David Cranmer of New York, from \$1,400 to \$1,600.

Record and pension office: Promotion-Frank Tharin of South Carolina, from \$1,000 to \$1,200. Resignation-Orlando A. Booth of Indiana, \$1,200. Adjutant general's office: Appointment by reinstatement—Myron A. Eldridge of Maryland, watchman, \$720.

Office of chief of ordnance: Promotions-Charles A. Muzzy of New York, from \$1,000 to \$1,200; Luke Z. Gilbert of Georgia, from \$1,000 to \$1,200. Resignations—Frederic T. Wood of Massachusetts, \$1,200; Clifton R. Linfoot of Kentucky, \$1,200.

To Be Sent to Pago Pago Station. A draft of seventy-five men is being made up aboard the receiving ship Verment at the New York navy yard to go to San Francisco on June 8 and take passage aboard the Philadelphia for the Samoan Islands, where they will be assigned to duty on board the station ship Abaranda at Pago Pago.

Secretary Gage at His Desk Again. Secretary Gage was at his desk today. having returned from Chicago. He found hundreds of letters expressing deep sympathy in the loss of his wife.

The Cutter Grant Taken to Victoria. Capt. Shoemaker of the revenue cutter service has received word that the revenue cutter Grant, which ran into a reef off the coast of Victoria, B. C., has been floated and taken to Victoria.

Alleged Counterfeiters Arrested. Chief Wilkle of the United States secret service has received word of the arrest in New York of John Speziale and Herbert Hubbard, charged with making counterfeit coins, which, it is stated, have been put in circulation in New York, Connecticut and Rhode Island. A quantity of materials and \$5,500 in bogus money were confiscated.

Mr. Ralph E. Renaud of this city has received the highest honor of the sophomore

class of Stanford University by being chosen